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No. 9, Original

In the Supreme Court of the United States

October Term, 1986

UNITED STATES OF AMERICA,
Plaintiff,

vs.

STATE OF LOUISIANA, ET AL.,
Defendants.

(Alabama and Mississippi Boundary Cases)

SUPPLEMENTAL REPORT OF WALTER P. ARMSTRONG, JR. SPECIAL MASTER

March 16, 1987

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PREFATORY

In its most recent opinion in this case [470 U.S. ....., 84 L.Ed. 2d 73, 106 S.Ct. ..... (1985)], the Court held that Mississippi Sound constitutes a historic bay under Article 7(b) of the Convention on the Territorial Sea and the Contiguous Zone (1964), 15 U.S.T. (pt. 2) 1607, T.I.A.S. No. 5639 (hereinafter "Convention") and that the waters of the sound are therefore inland waters, to this extent affirming the position of the States of Alabama and Mississippi. It therefore follows that:

> Under this view, the coastline of the States consists of the lines of ordinary low water along the southern coasts of the barrier islands together with appropriate lines connecting the barrier islands. These latter lines mark the seaward limit of Mississippi Sound. (84 L. Ed. at p. 77.)

The Court then continues:

> The recommendations of the Special Master and his Report, to the extent they are consistent with this opinion, are respectively adopted and confirmed. The parties are directed promptly to submit to the Special Master a proposed appropriate decree for this Court's consideration; if the parties are unable to agree upon the form of the decree, each shall submit its proposal to the Master for his consideration and recommendation. Each party shall bear its own costs; the actual expenses of the Special Master shall be borne half by the United States and half by Alabama and Mississippi. (84 L.Ed. 2d at p. 89.)

Accordingly on April 22, 1986 a conference was held in the office of the Special Master where all parties were represented by counsel and an effort was made to agree upon an appropriate decree to be entered in accordance with the Court's decision. However, it soon became apparent that while there was no dispute as to the location of the seaward boundary of Alabama thereunder, there were substantial differences of opinion between the United States and the State of Mississippi as to how the Court's decision should be implemented as to the seaward boundary of that State. Accordingly the Special Master directed each of those parties to submit a proposed Supplemental Decree so that those differences could be resolved if possible. (*See* Pre-Hearing Order dated May 14, 1986.) This was done on June 2, 1986.

The two decrees are identical as to the seaward boundary of Alabama, a location in which that State, as previously noted, concurs. Alabama therefore took no part in any further proceedings, except for a letter dated October 7, 1986. Accordingly, "parties" as hereinafter used indicates only the United States and the State of Mississippi.

The two proposed decrees were in substantial concurrence as to the location of the seaward boundary of Mississippi except at two points: the selection of a western terminus for a line between Petit Bois Island and Horn Island, and the selection of terminal points for a line between Ship Island[1] and the Chandeleur Islands (*See* Mississippi Brief of June 2, 1986 at p. 1; Mississippi Brief of September 29, 1986 at p. 1; Pre-Hearing Brief of the United States at p. 3).[2] The contentions of the two parties as to these lines are illustrated by Figures 1 and 2 attached to this report.

On June 13, 1986 an evidentiary hearing was held before the Special Master on the disputed matters, a transcript of which forms a part of the record. On August 28, 1986 the State of Louisiana filed a brief as amicus curiae pursuant to the Pre-Hearing Order of May 14, 1986. Thereafter on September 29, 1986, additional briefs were filed by both parties, accompanied by revised versions of a proposed Supplemental Decree,[3] the latter documents being attached hereto as Appendices A and B.

It is now therefore my responsibility as Special Master to recommend to the Court the resolution of these differences and which if either of the two decrees (or a combination or modification thereof) should be entered by the Court.

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1. Ship Island was originally a single island; but in 1969 hurricane Camille cut a channel through it from north to south. The two islands so formed will hereinafter be referred to as East Ship Island and West Ship Island.

2. It seems to be conceded that any other differences are so small as to be immaterial, and I therefore pretermit them on the basis of de minimis.

3. The brief of the state of Mississippi was actually filed later but as of that date, and its proposed decree not until November 7, 1986.

1. THE WESTERN TERMINUS OF THE LINE BETWEEN PETIT BOIS ISLAND AND HORN ISLAND

The eastern terminus of this line has been stipulated by the parties. The state of Mississippi would locate its western terminus at the most seaward point on the eastern end of Horn Island while the United States would put it at the easternmost point on the second of two small islands or sandbars lying to the north and east of Horn Island. (*See* Figure 1.)

A similar situation arose in regard to certain islands off of the coast of Louisiana in an earlier phase of this litigation. [*U.S. v. Louisiana*, 394 U.S. 11, 22 L.Ed. 2d 44, 89 S.Ct. 773 (1969) which is cited with approval by both of the parties in their briefs. Mississippi, Brief of June 2, 1986, at pp. 7-8; Brief of September 29, 1986 at p. 10; U.S., Pre-Hearing Brief at pp. 8-9; Post-Hearing Brief at pp. 12, 14]. In that case Louisiana took the position that when islands appear in the mouth of a bay, the lines closing the bay and separating inland waters from territorial waters should be drawn between the mainland headlands and the seawardmost point on the islands, and in no event should closing lines be drawn landward of a direct line between the entrance points and the mainland. This the Court rejected, saying:

> Even waters which would be considered within the bay and therefore "landlocked" in the absence of the islands are physically excluded from the indentation if they lie seaward of the mouths between the islands. It would be anomalous indeed to say that waters are part of a bay even though they lie outside its natural entrance points. (394 U.S. at p. 58.)

After a full discussion of its reasoning, the Court then goes on:

> In sum, we hold that where islands intersected by a direct closing line between the mainland headlands create multiple mouths to a bay, the bay should be closed by lines between the natural entrance points on the islands, even if those points are landward of the direct line between the mainland entrance point. (394 U.S. at p. 60.)

This appears to be determinative of the issue here involved. The position of the State of Mississippi is identical with that of the State of Louisiana as above stated. In its brief of June 2, 1986 Mississippi says:

> The State of Mississippi, on the other hand has selected the most seaward extension of Horn Island as the proper natural entrance point. (at p. 9.)

And in its brief of September 29, 1986 (at p. 20) it cites 1 Shalowitz, Shore and Sea Boundaries, U.S. Department of Commerce, Coast and Geodetic Survey, Publication 10-1 (1964) (hereinafter "Shalowitz") as follows:

> If Mississippi's entrance point is tested and treated as a mainland headland, the detached sandbars would not be intersected by a headland to headland line between Horn and Petit Bois Islands. Shalowitz addressed the question how islands landward of a line joining the headlands of a bay should be treated. It was his opinion that the closing line should lie between the seawardmost headlands and not inward to the islands. In this respect he stated:
>
> > It would seem to follow that where a choice of lines exists that line be selected that encloses the

> greatest area of inland waters. This is consistent with Art. 7, par. 5 of the convention which calls for a closing line to be drawn that encloses the maximum area of water possible, and with par. 3 of the article which allows islands within an indentation to be considered part of the water area. (p. 225.)[4]

But this is true *only* if Mississippi's entrance point is treated as a mainland headland. The reasoning here appears to be somewhat circular: if the islands lie wholly within inland waters, then the line suggested by Mississippi is the correct one; and if that line is the correct one, then the islands lie wholly within inland waters. But there are other possible lines as well, among them that suggested by the United States. The United States argues: 1) that the two small islands should be integrated into the main body of Horn Island, or 2) that they should be treated

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4. In Note 78 (394 U.S. at p. 57) to the case cited above, the Court refers to this language, but adds: "Elsewhere Shalowitz appears to agree that if lines are drawn to and between islands, they should be across the natural entrance ponits, even if those natural entrance points are landward of a straight mainland-to-mainland line." *Citing* Shalowitz, p. 221, Fig. 40; and in Note 79 (394 U.S. at p. 58) the Court says:

> Moreover, the issue is a close one, yet one on which we have not had the benefit of concerted advocacy on both sides. On the one hand, the considerations which led us to reject Louisiana's contention with respect to islands intersected by a straight mainland-to-mainland closing line appear to militate in favor of drawing lines inward to islands which seemingly create distinct mouths to the indentation. This view is supported by the fact that Article 7(3) contains no requirement that the islands be intersected by a mainland-to-mainland closing line; rather it speaks only of multiple mouths "because of the presence of islands." On the other hand, Article 71(3) does provide that islands wholly "within" the indentation shall be treated as part of the water areas.

See also Note 16, *U.S. v. Maine*, 469 U.S. , 83 L.Ed. 2d 998, 105 S.Ct. 992, at 83 L.Ed. 2d 1012.

as the other fringe islands of Mississippi Sound, or 3) that they should be treated as islands lying within the mouth of a bay.

As to the first contention, the United States says in its brief of September 29, 1986:

> The United States submits that these two smaller islands are so close to this main body that they should realistically be considered part of it. The separation between the main portion of Horne (sic) Island and the westernmost of these two islands is only 117 feet; the second, only 150 feet. The size of the first is only 3.3 acres; the second, 15.8 acres. (at p. 12.)

Clearly under the Court's holding in this case the main body of Horn Island is one of the barrier islands to be treated as mainland. The following language from *United States v. Louisiana, supra,* therefore appears to be pertinent:

> While there is little objective guidance on this question to be found in international law, the question whether a particular island is to be treated as part of the mainland would depend on such factors as its size, its distance from the mainland, the depth and utility of the intervening waters, the shape of the island, and its relationship to the configuration or curvature of the coast. (394 U.S. at p. 66.)

Based upon the considerations, I concluded in my earlier report that Dauphin Island is an extension of the mainland (Report of the Special Master, April 9, 1984, p. 18); and while the Court did not affirm this portion of the report (84 L.Ed. 2d at p. 89), it did not specifically disapprove it, but found it unnecessary to pass upon it in

view of its holding that Mississippi Sound as a whole constitutes a historic bay.[5] My view is supported by the court's opinion in *United States v. Maine, supra,* in which it was held that Long Island constitutes an extension of the mainland. There the Court quotes with approval the above language from *United States v. Louisiana, supra,* and concludes:

> Given the variety of possible geographic configurations, we feel that the proper approach is to consider each case individually in determining whether an island should be assimilated to the mainland. (83 L.Ed. 2d at pp. 1008-1009.)

In the instant case there is another factor to be taken into consideration. As the Court has held that Mississippi Sound is a historic bay, the historic limits of that body of water become pertinent. Although Mississippi asserts that the eastern end of Horn Island was destroyed by hurricane Fredrick in 1980 (Mississippi Brief of June 2, 1986 p. 8), apparently there was an unnamed island in 1951 immediately east of Horn Island at the approximate location of the present islands. (*See* letter written by the Secretary of the Interior to Governor of Mississippi on October 17, 1951, referred in Note 11, 84 L.Ed. 2d at p. 73.) If at that time all of Mississippi Sound was considered to be inland waters, as the Court has held, then it results that waters to the south of the barrier islands, including those south of Horn Island, were considered to be open sea; nor did the destruction of the eastern end of the island in 1980 alter this established fact.

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5. In Note 2, the Court says: "[I]t is clear from the Special Master's Report that at minimum, Mississippi Sound closely resembles a juridical bay." (84 L.Ed. 2d at p. 80.)

But even if the two small islands are not properly a part of Horn Island, they are at least a continuation of the string of fringe islands extending along the southern mainland of which Horn Island, which has a distinct curvature to the north and east, is one. Along with Horn Island and other fringe islands they form multiple mouths to Mississippi Sound. At the very least they are islands lying within one of those mouths; the smaller of which, although inland from the line which Mississippi proposes, would either be intersected by or seaward of a line drawn to the easternmost tip of the main body of Horn Island.

The point which the United States selects for the eastern terminus of the line is clearly a pronounced headland.[6] It is agreed that it meets the 45° test. [*See U.S. v. California*, 382 U.S. 448, 15 L.Ed. 2d 517, 86 S.Ct. 607 (1966) at 382 U.S. 451 (1966); *U.S. v. Maine, supra*, 83 L.Ed. 2d Note 14 at p. 1012.] Where there is a pronounced headland, the bisector of the angle test does not apply. [*United States v. California, supra*, 382 U.S. at p. 451.] The line proposed by the United States is the shortest possible line between the stipulated eastern terminus of the line and any point to the west. *See U.S. v. Maine, supra*, 83 L.Ed. 2d at pp. 1005, 1014. The parties seem to agree that under the Submerged Lands Act (67 Stat. 29, 43 U.S.C.A. 1301-1315) the outward extent of the territorial sea would be the same for both lines. (Mississippi Brief of September 29, 1986 at p. 21; United States Post-Hearing Brief at p. 13.) The cumulative effect of all these facts leads me to the conclusion that a realistic approach

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6. In my opinion Mississippi misinterprets the phrase "outermost extension of the headlands" to mean "seawardmost point". (Mississippi Brief of June 2, 1986, p. 3.) *See United States v. Louisiana, supra*, 394 U.S. at pp. 55-56.

[*U.S. v. Louisiana, supra,* 394 U.S. at p. 63; *U.S. v. Maine, supra,* 83 L.Ed. 2d at p. 1009] requires the adoption of the western terminal point espoused by the United States.

2. THE WESTERN EXTREMITY OF MISSISSIPPI'S SEAWARD BOUNDARY

Initially, Mississippi's position as stated in its Motion For A Supplemental Decree was:

> The coastline of Mississippi is the line of ordinary low water along the seaward side of the chain of islands marking the outer limit of the inland waters of Mississippi Sound, this being the baseline from which the three-mile marginal belt into the Gulf of Mexico is measured.

In this position it prevailed, the Court holding:

> [Mississippi] Sound is a body of water immediately south of the mainland of the two States. It extends from Lake Borgne at the west to Mobile Bay at the east, and is bounded on the south by a line of barrier islands. These islands, from west to east, are *Isle au Pitre, Cat Island, Ship Island,* Horn Island, Petit Bois Island, and Dauphin Island. The Sound is approximately 80 miles long and 10 miles wide.[7]
>
> The two States contend that the whole of Mississippi Sound constitutes "inland waters." *Under this view, the coastline of the States consists of the lines of ordinary low water along the southern coasts of the barrier islands together with appropriate lines*

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7. The Court here follows the language of *Louisiana v. Mississippi*, 202 U.S. 1, 50 L.Ed. 913, 26 S.Ct. 408 (1906), at which time Ship Island was a single island.

> *connecting the barrier islands.* These latter lines mark the seaward limit of Mississippi Sound. (84 L.Ed. 2d at p. 77. Emphasis supplied.)
>
> Earlier in the same opinion the Court holds:
> We conclude that Mississippi Sound qualifies as a historic bay, and that the waters of the Sound, therefore, are inland waters. (84 L.Ed. 2d at p. 76.)

Neither of the proposed decrees submitted by the parties carries out this holding of the Court (See Fig. 2); for neither establishes the coastline of Mississippi in its entirety at the lines of ordinary low water along the southern coasts of the barrier islands, including all of Ship Island, Cat Island and Isle au Pitre, with appropriate lines connecting them. They propose instead a line from either the eastern end of East Ship Island or approximately midway on West Ship Island to a point on or near the northern end of the Chandeleur Islands. This requires the Special Master either to attempt to reconcile one of the proposed decrees with the language quoted above or *sua sponte* to recommend a decree reflecting the Court's holding but more limited than that proposed by either of the parties and therefore approved by neither of them.

Mississippi's present position appears to be that the western extremity of its seaward boundary should be the closing line of Chandeleur Sound, which it contends should be a line from the eastern end of East Ship Island to the northern end of the Chandeleur Islands. (Mississippi Brief dated September 29, 1986 at pp. 11-21.) This assumes that the United States would locate that closing line along the line approved by the Court in an earlier decree in this proceeding [422 U.S. 13, 44 L.Ed. 2d 652, 95 S.Ct. 2022 (1975)] which in turn is based upon a stipulation entered

into between the United States and the State of Louisiana dated January 21, 1971.[8] But in its Post-Hearing Brief the United States says: "The United States does not concede that the water area north of the Chandeleur Islands is inland waters or should be considered a part of Chandeleur Sound." (at p. 3.) It has however offered to enter into a similar stipulation with the State of Mississippi (Pre-Hearing Brief at p. 6) but the State declines to do so (Transcript of Hearing June 13, 1986 at p. 708. Hereinafter "Tr.".) Commenting upon this, the United States says (Post-Hearing Brief at p. 4):

> Mississippi rejects any use of the Louisiana decree line, while nonetheless demanding its benefits. In other words, Mississippi would construe the limited, conditional concession of the United States as to Louisiana's Submerged Lands Act grant as applying without limitation or condition as to the State of Mississippi, including ignoring the line actually decreed.

This the United States characterizes as taking "too many liberties in its search for seabed territory" (Pre-Hearing Brief at p. 3) on the basis that "more is better". (*Id.* at p. 11.)

Whether or not there is any justification for these charges, it is apparent that Mississippi's position is tenable only if the waters lying south of Cat Island and West Ship Island are inland waters. But there is no justification for this under the Court's most recent opinion which holds only that waters within the barrier islands can be considered as part of Mississippi Sound. Therefore a decree can include waters south of those islands only by consent of the parties,

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8. This stipulation is reproduced as Appendix A-2 to my report of July 31, 1974. (at p. 63.)

by concession[9] by the United States beneficial to Mississippi, or based upon a holding of the Court in some other opinion.

Mississippi insists however that the United States has acknowledged the inland character of the waters of Chandeleur Sound (Mississippi Brief of June 2, 1986 at p. 10; Mississippi Brief of September 29, 1986 at pp. 4-8) including those lying immediately south of Cat Island and south of at least a portion of West Ship Island. From this it concludes that a closing line for Chandeleur Sound including those waters should be determined by the applicable rules under the Covenant for locating such closing lines, which would in Mississippi's view locate it in accordance with its proposed decree and not that of the United States.

This reasoning appears to me to be specious. The stipulation into which the United States entered under date of January 21, 1971 recites that it is "without deciding whether Chandeleur or Breton Sounds are inland waters." It then provides that it governs only the "area between the Mississippi boundary and Breton Island", in regard to which it fixes a line from X=2,752,565, Y=568,525 to X=2,775,787, Y=513,796.

My report of July 31, 1974 did not deal specifically with Chandeleur Sound but merely stated that "Based upon the foregoing holdings *and the stipulations between the parties,* it should be possible to draw a baseline along the entire coast of the State of Louisiana from which the extent of the territorial waters under the jurisdiction of the State of Louisiana pursuant to the Submerged Lands Act can be measured". (at p. 53. Emphasis supplied.) This report was approved by the Court without comment and

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9. *See United States v. Louisiana, supra,* Note 87, 394 U.S. at p. 66; Note 97, 394 U.S. at p. 73.

the preparation of a decree establishing such a baseline directed. [420 U.S. 529, 43 L.Ed. 2d 373, 95 S.Ct. 1180 (1975), *Reh. den.*, 421 U.S. 972, 44 L.Ed. 2d 464, 95 S.Ct. 1970.] This was done by consent of the parties and a supplemental decree entered on June 16, 1975 [422 U.S. 13, 44 L.Ed. 2d 652, 95 S.Ct. 2022] embodying the stipulated line.

As the Court notes in its most recent opinion, the Submerged Lands Act employs but does not define inland waters, leaving that task to the Court, which has adopted the definition provided in the Convention. [84 L.Ed. 2d at p. 78 and authorities there cited.] That definition is:

> Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State. (Article 5, Section 1.)

As all of the waters of Chandeleur Sound lying south of the Mississippi-Louisiana boundary are on the landward side of the baseline established by the decree, they are therefore internal or inland waters. Mississippi insists that it necessarily follows that those waters forming a part of Chandeleur Sound lying north of that line are also inland waters, and it only remains to determine a proper closing line for the sound as a whole.

Mississippi's proposed decree embodies such a line. It is substantially east of that proposed by the United States, beginning at a point on the eastern extremity of East Ship Island and extending to a point on the northern extremity of Chandeleur Islands. If adopted it would require either an offset between the Mississippi and Louisiana seaward boundaries at the Mississippi-Louisiana boundary or a modification of the decree of June 16, 1975. The State of Louisiana, which was invited to express its view as Amicus Curiae, violently objects to any such modification saying:

> Louisiana has a boundary that has been fixed by coordinates under a Final Decree of the United States Supreme Court and, *by Act of Congress,* this boundary has been immobilized at the coordinates provided in the Final Decree. It is the position of Louisiana that the Supreme Court is without jurisdiction to alter this boundary. (Louisiana Memorandum of August 28, 1986 at p. 3. Emphasis in original.)[10]

The alternative of an offset between the coastlines of Mississippi and Louisiana at the boundary between the two states is equally unacceptable. That boundary was established by the decree in *Louisiana v. Mississippi, supra* (1906), as:

> [T]he deep-water channel sailing line emerging from the most eastern mouth of Pearl river into Lake Borgne, and extending through the northeast corner of Lake Borgne, north of Half Moon or Grand island, thence east and south through Mississippi sound, through South pass, between Cat Island and Isle a Pitre, to the Gulf of Mexico, . . . (202 U.S. at p. 58.)

The Court obviously considered the waters beyond the outer shoreline of Cat Island and Isle au Pitre as part of the Gulf of Mexico, and therefore, the line was not extended to a point where it would intersect with the line proposed by either of the parties in the instant case; nor has it been so extended since either by subsequent decree or by any agreement between the States.

If a single seaward line for the States of Mississippi and Louisiana is adopted this is of no great consequence; but

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10. Louisiana has offered to join under certain conditions with the United States in appropriate measures to establish the proposed Mississippi line as its line as well; but as the United States rejects the Mississippi line, this is immaterial.

if different lines are adopted, with an offset at the Mississippi-Louisiana boundary, it is; for that boundary has never been determined beyond the shoreline of the two islands nor is it certain that it will remain constant. As the United States says in its brief:

> On the other hand, if adjacent inland waters of two contiguous states sharing an ambulatory lateral boundary are delimited under different principles, as is being proposed by Mississippi, Federal submerged lands could change as the lateral boundary changes.
>
> Because of the possibility that movement of an ambulatory lateral boundary may cause such a result where contiguous inland waters of the states are delimited differently, the Federal Government could not be certain in such circumstances of having finally resolved any question as to its leasing authority without an agreement with both of the states involved. (Post-Hearing Brief at p. 11.)

This would be an intolerable situation. The Court has repeatedly recognized the desireability of a single coastline. *See U.S. v. California*, 381 U.S. 139, 14 L.Ed. 2d 296, 85 S.Ct. 1401 (1965), at 381 U.S. p. 167; *U.S. v. Louisiana*, 394 U.S. 11, 22 L.Ed. 2d 44, 89 S.Ct. 773 (1969). In the latter opinion the Court says:

> Our adoption in the United States v. California of the definitions contained in the Convention on the Territorial Sea and the Contiguous Zone was "for purposes of the Submerged Lands Act" and not simply for the purpose of delineating the California coastline. Congress left to this Court the task of defining a term used in the Act, not of drawing state boundaries by whatever method might seem appropriate in a particular

> case. It would be an extraordinary principle of construction that would authorize or permit a court to give the same statute wholly different meanings in different cases, and it would require a stronger showing of congressional intent than has been made in this case to justify the assumption of such unconfined power. Finally, we note that if the inconvenience of an ambulatory coastline proves to be substantial, there is nothing in this decision which would obstruct resolution of the problems through appropriate legislation or agreement between the parties. Such legislation or agreement might, for example, freeze the coastline as of an agreed-upon date. (394 U.S. at pp. 33-34.)

Here no such agreement has been reached as to the Mississippi-Louisiana boundary, nor as to the seaward extent of Mississippi's shoreline beyond the eastern end of the eastern segment of Ship Island; nor is there any applicable legislation. Therefore, the Court must somehow resolve the differences between the parties.

Mississippi's position that the southern terminus of the line determining the seaward extent of its territory should be eastward of where it is located by the Decree of June 22, 1981, is based upon the fact that since that date the northern promontory of the Chandeleur Islands has migrated eastward so that that point is no longer located upon that promontory but in open water. But subsequent to the entry of that decree Section 1(b) of the Submerged Lands Act [43 U.S.C. 1301(b)] was amended by P.L. 99-272 Sec. 8005 (1986) to add the following:

> [E]xcept that any boundary between a State and the United States under this Act which has been or is hereafter fixed by coordinates under a final decree of

> the United States Supreme Court shall remain immobilized at the coordinates provided under such decree and shall not be ambulatory . . . .

Clearly, the intent of this legislation was to avoid any such action as Mississippi now urges.[11] To adopt Mississippi's proposed line would defeat that intention. The southern terminus of the line therefore appears to be clearly and permanently fixed by the decree of June 22, 1981 at the point embodied in the proposed decree of the United States herein.

The northern terminus of the line forming the western segment of Mississippi's seaward boundary poses entirely different and more difficult problems. Mississippi apparently bases its position upon the following description of the extent of Chandeleur Sound:

> Mississippi Sound and Chandeleur Sound are adjoining bays laying at right angles. They are separated from each other by Cat Island and East and West Ship Islands. (Mississippi Brief of June 2, 1986 at p. 10.)

From this it would follow that the northern headland of the mouth of Chandeleur Sound would be located some-

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11. Louisiana points out (Memorandum of August 28, 1986 at p. 2) that the Final Decree entered June 22, 1981 (452 U.S. 726, 69 L.Ed. 2d 368, 101 S.Ct. 2605) defining the extent of Louisiana's territorial sea contains the following language:

> Moreover, until and unless superceded by a subsequent final decree of this Court or agreement of the parties, the line described in Exhibit A hereof shall remain in effect for all purposes relevant to the Submerged Lands Act. (452 U.S. at p. 727.)

The Supplemental Decree entered June 16, 1975 establishing the coastline (baseline) of Louisiana is incorporated in that Final Decree. In any event, the statutory amendment, being of later date, apparently controls.

where on East or West Ship Island; Mississippi proposes the eastern end of East Ship Island under the applicable tests.

This position appears untenable in view of the Court's holding in *Louisiana v. Mississippi, supra*:

> Mississippi's mainland borders on Mississippi sound. This is an enclosed arm of the sea, wholly within the United States, and formed by a chain of large islands, extending westward from Mobile, Alabama, to Cat island. The openings from this body of water *into the Gulf* are neither of them 6 miles wide. *Such openings occur between Cat island and Isle a Pitre; between Cat and Ship islands;* between Ship and Horn islands; between Horn and Petit Bois islands; between Petit Bois and Dauphin islands; between Dauphin island and the mainland on the west coast of Mobile bay.
>
> . . . .
>
> Pearl river flows into Lake Borgne, Lake Borgne into Mississippi sound, and *Mississippi sound into the open Gulf of Mexico through, among other outlets, South pass, separating Cat island from Isle a Pitre.* (202 U.S. at pp. 48-49. Emphasis supplied.)

This obviously treats the waters south and east of Cat Island, Isle au Pitre, and Ship Island, as "the open Gulf of Mexico" and not inland waters of Chandeleur Sound. Also, in its most recent opinion in the instant case, the Court refers to "the *seaward* limit of Mississippi Sound" (emphasis supplied) as the southern coast of the barrier islands, including Isle au Pitre, Cat Island and Ship Island.[12] (84 L.Ed. 2d at p. 77.)

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12. See Note 7.

Everyone seems to agree however that the waters lying south of the northernmost projection of the Chandeleur Islands and to the west of them constitute Chandeleur Sound.[13] But what is a proper closing line for the sound? In his letter of October 17, 1951 referred to in Note 11 of the Court's latest opinion herein, Oscar L. Chapman, then Secretary of the Interior, suggests the following:

> 'a straight line drawn in a northwesterly direction from the ordinary low water mark at the northern most point of the most northerly island in the Chandeleur group and extending therefrom along said straight line to the ordinary low water mark at the westernmost extremity of the westernmost island of the Ship Island group of islands;'

Dr. Robert Smith in his testimony suggested a line running westward from the northernmost extremity of the Chandeleur Islands to Door Point on the mainland. (Tr. pp. 114 et seq.) But if I construe the positions of the parties correctly, it is not necessary to make this determination in order to resolve the problem with which we are here concerned. For any closing line for Chandeleur Sound which recognizes the waters lying south of East and West Ship Islands, Cat Island and Isle au Pitre as the open Gulf of Mexico would necessarily be west of the line proposed by the United States as the seaward boundary of Mississippi and therefore west of that proposed by Mississippi as well.

In its brief of June 8, 1986, Mississippi says:

> The sole basis for the Government's position seems to be the negotiated agreement it reached with Louisiana

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13. *See United States v. Louisiana, supra,* Note 108, 363 U.S. at p. 66; *United States v. Louisiana, supra,* Note 87, 394 U.S. at p. 66; *United States v. California, supra,* 381 U.S. at p. 171.

> in 1971. Mississippi, however, was not made a party to those negotiations nor is it bound by the decree which was subsequently entered in the case. (at pp. 10-11.)

This is apparently correct; but the decree of June 16, 1975, while not binding upon Mississippi, is certainly pertinent. There the Court says:

> The coastline or baseline referred to in paragraphs 1 and 3, supra, is described by coordinates in the Louisiana plane coordinate system, south zone, as set forth in Exhibit A, appended to this Decree. This coastline supersedes all prior coastline descriptions of former decrees in this case and is the past and present coastline and shall constitute the coastline as of the date of the final decree in this case. (422 U.S. at p. 17.)

Exhibit A to the decree describes the following line, among many others: "A line from X275265, Y568525 through X2775787, Y513796." The decree of course would apply only to that portion of the line lying on the Louisana side of the Louisiana-Mississippi boundary; but the line as a whole is identical with that suggested by the United States in Sec. 3(i) of its proposed decree herein except for shortening to the point where the line intersects the present low water line of West Ship Island, which due to accretions has moved southward since the decree was entered.[14] This is recognized by Sec. 4 of the proposed decree.

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14. This does not conflict with P.L. 99-272 Sec. 8005 (1986) which applies only to "any boundary between a State and the United States." Once the Court fixes the boundary, of course the act will apply.

In its Post-Hearing Brief, the United States says:

> The question of how to handle the water area south of Mississippi Sound and north of the recognized body of the Chandeleur Sound arose through a backdoor: The United States hoped to define the entire coastline of Mississippi for leasing purposes and mistakenly believed that Mississippi would welcome resolving this remaining ambiguity by use of the Louisiana decree line. Instead, Mississippi would have the Special Master determine a closing line for this body of water on the assumption that it must be part of the Chandeleur Sound. The United States strongly disagrees with any such assumption. The issue has never been litigated before the Court and the only evidence in the record before the Special Master is to the contrary.
>
> The United States does not concede that the water area north of the Chandeleur Islands is inland water or should be considered part of the Chandeleur Sound. Neither the status of Chandeleur Sound nor its geographic extent has ever been litigated, since Louisiana and the United States stipulated to the extent of the Submerged Lands Act grant to Louisiana in the area. U.S. Memo at 6-7. However, to remove any ambiguity as to the coastline of the Mississippi in this vicinity, the United States has proposed a decree that would define the inland waters of Mississippi on the basis of the line decreed as to Louisiana. A minor adjustment at the line's northern terminus is acceptable to the United States, to accord with changed conditions by moving the point to the mean lower low water line of the Ship Island complex, since there would be no change in the decreed line that would affect the determination of Mississippi, Louisiana, or the United

> States' submerged lands. This change is embodied in the United States' proposed decree, which is attached. Alternatively, the precise coordinates decreed in the *Louisiana Boundary Case* could be substituted: namely, X = 2752565 and Y = 568525 in the Louisiana plane coordinate system, south zone. (at pp. 2-4. Footnotes omitted.)

The proposed decree of the United States appears itself to be an offer to relinquish rights over waters which would otherwise be a part of the territorial sea and not inland waters; namely, those between the closing line of Chandeleur Sound and the proposed line of the United States fixing the seaward boundary of Mississippi. In the case of Louisiana, a similar relinquishment was accomplished by stipulation between the parties, which the Court adopted; but here, as previously noted, Mississippi has declined to enter into any such stipulation.

The proposed concession would give Mississippi jurisdiction over more inland water than it would otherwise have under a literal interpretation of the Court's opinion. As the United States says in its Post-Hearing Brief:

> [T]he extent of the Chandeleur Sound was not involved in this suit over the status of Mississippi Sound. In the United States' view, the appropriate delimitation of Mississippi Sound would utilize closing lines between the fringing islands, as suggested by the Special Master:
>
> > Along the southern coast of Ship Island westward to the point on that island nearest to Cat Island; thence in the shortest possible straight line to the nearest point on the eastward coast of Cat Island; thence along the southern coast of Cat Island to

> its western extremity; thence along a straight line from that point to the nearest adjacent point on Isle Au Pitre to a point where that line intersects the thalweg of the Pearl River. Such a decree would effectuate the opinion of the Supreme Court and resolve all issues litigated in this case. (at p. 2.)[15]

This would raise the same problem as Mississippi's proposed line at the ambulatory boundary between Mississippi and Louisiana. In an effort to avoid this problem, the United States made the following offer:

> We have never previously conceded that any portion of the Chandeleur Sound should be treated as inland waters of Mississippi. Nevertheless, in the interest of judicial economy and facilitation of this decree, the United States is willing to make the same stipulation as to Mississippi as was made to Louisiana: for domestic purposes, the portion of the northern Chandeleur Sound on the Mississippi side of the Mississippi/Louisiana lateral boundary will be treated as inland waters of Mississippi. (United States Pre-Hearing Brief at p. 6.)

This offer was rejected by Mississippi. (See Memoranduum February 16, 1987 at p. 4.)[16] The question then

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15. In Section I (A)(2) of its brief submitted June 6, 1983, Mississippi argues that "the use of straight baselines enclosing Mississippi *and Chandeleur Sound* is fully consistent with the traditional United States' foreign policy" (Emphasis supplied); but I rejected this argument (see report of Special Master dated April 9, 1984 at pp. 5-7) and although Mississippi filed an exception the Court approved. (84 L.Ed. 2d at p. 79.)

16. There appears to be no doubt that the parties can fix the coastline *"for domestic purposes"* by stipulation. This was

(Continued on following page)

is whether the proposed concession by the United States can nevertheless be given effect. In my opinion, this could be done only if the line proposed by the United States amounts to the adoption of a straight baseline. As Mississippi says in its Memorandum of February 16, 1987:

> The United States in offering first a stipulation and therefore (thereafter?) a unilateral concession of territory seeks to avoid a determination of the straight baseline issue and reach by agreement a result not condoned by the submerge (sic) Lands Act and the Convention. (at pp. 4-5.)

In its most recent opinion in this case, the Court says:

> Article 4 of the Convention permits a nation to employ the method of straight baselines in delimiting its coastline. Article 4(1) provides in pertinent part:
>
> > "In localities where the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured."
>
> The Court has held, however, that the method of straight baselines is applicable only if the Federal

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Footnote continued—

done in this case by stipulation between the United States and the State of Louisiana, which stipulation is reproduced at pp. 63-66 of my report of July 31, 1974. It was adopted and approved by the Court in the decree in *U.S.A. v. Louisiana, supra* (1975). In this connection I have considered the case of *Vermont v. New York*, 417 U.S. 270, 41 L.Ed. 2d 61, 94 S.Ct. 2248 (1974) but I do not believe that it is applicable to the present situation.

Government has chosen to adopt it. (84 L.Ed. 2d at p. 29.)

In the present instance, the United States resists any application of straght baselines. In its most recent Memorandum, it says:

> "As a matter of its foreign policy, the United States rigorously eschews straight baselines, and encourages other coastal nations to retrench their claims in this regard. The United States has never asserted a straight baseline *anywhere* along its coast, and can not consistently with its stance on the applicable international law accept this rationale for the proposed decree." (Memorandum dated January 27, 1987.)

While Mississippi takes the opposite view, as the Court says in *United States v. California, supra*:

> [A]n extension of state sovereignty to an international area by claiming it as inland water would necessarily also extend national sovereignty, and unless the Federal Government's responsibility for questions of external sovereignty is hollow, it must have the power to prevent States from so enlarging themselves. (381 U.S. at p. 168.)[17]

RECOMMENDATION

I therefore conclude that for the reasons stated above the decree proposed by Mississippi should not be entered

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17. See the Court's discussion at *United States v. California, supra*, 381 U.S. at pp. 167-169; *United States v. Louisiana, supra*, 394 U.S. at pp. 72-73. In the latter case the Court says that "this optional method of establishing boundaries should be left to the branches of government responsible for the formulation and implementation of foreign policy."

and that in the absence of a stipulation or the adoption of a straight baseline the acceptance of the line proposed by the United States would amount to a modification of the Court's opinion of February 26, 1985 which would be beyond the scope of the reference to me as a Special Master.

I am therefore constrained to recommend that, while in my opinion entry of the decree proposed by the United States would be a preferable solution, the Court enter an order directing the parties to prepare and submit to the Special Master a decree:

1. Defining the seaward boundaries of Alabama and Mississippi to the extent agreed upon;

2. Defining Mississippi's seaward boundary between Petit Bois Island and Horn Island as proposed in the decree submitted by the United States;

3. Defining the eastern portion of Mississippi's seaward boundary as lying along the seaward low water line of West Ship Island; thence along the shortest possible line connecting the low water line of Ship Island and that of Cat Island; thence along the seaward low water line of Cat Island to the point of beginning of the shortest possible straight line from the low water line of Cat Island to the low water line of Isle au Pitre; thence along said line to its intersection with the Mississippi-Louisiana border; and

4. Taxing all expenses of the Special Master and compensation due him since February 26, 1985 equally against the United States and the State of Mississippi.

If the parties are unable to agree upon such a decree, then each should prepare its version of such a decree and

both should be submitted to the Special Master for his recommendation to the Court.

WALTER P. ARMSTRONG, JR.
Special Master

March 16, 1987

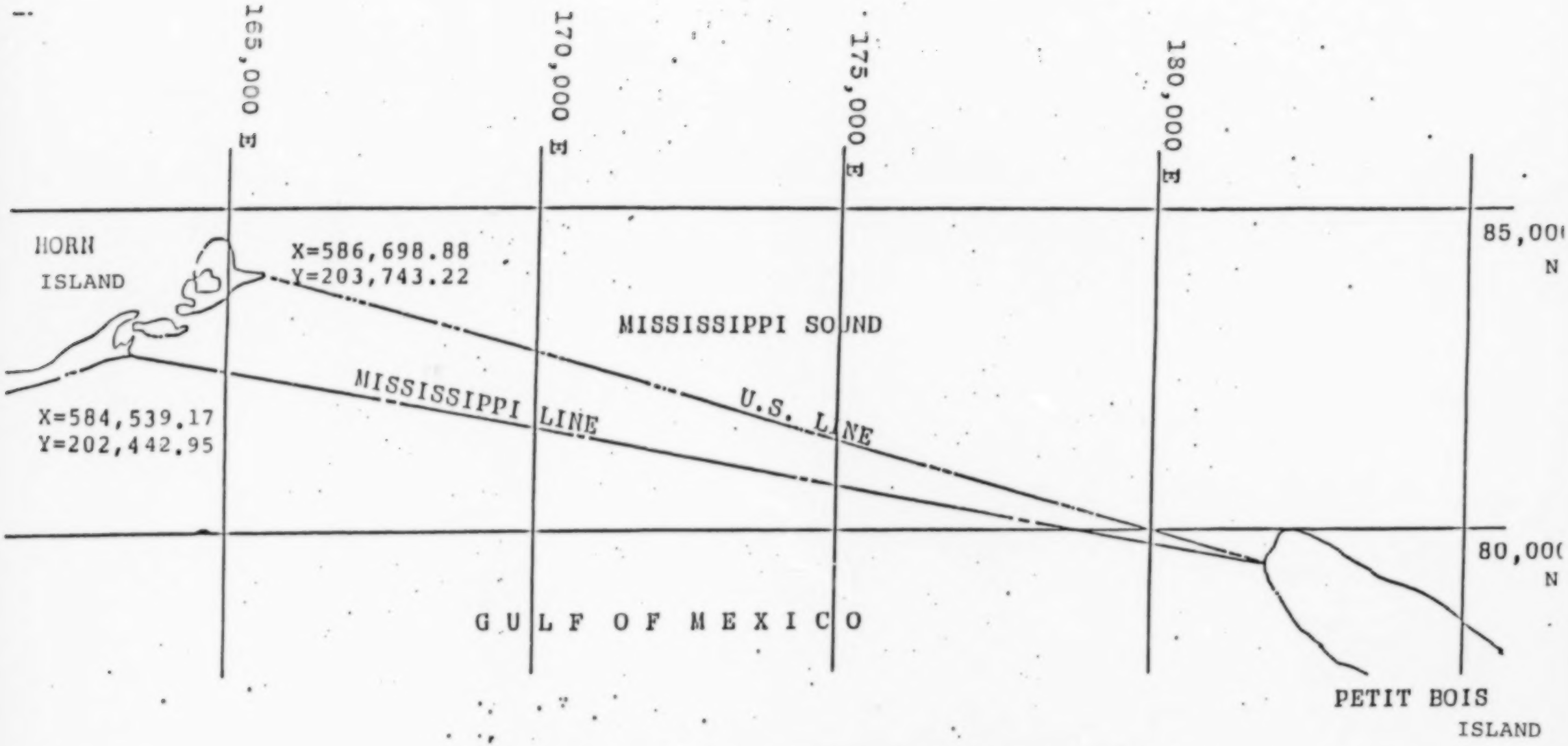

FIGURE 1. CLOSING LINE BETWEEN PETIT BOIS I. AND HORN I.

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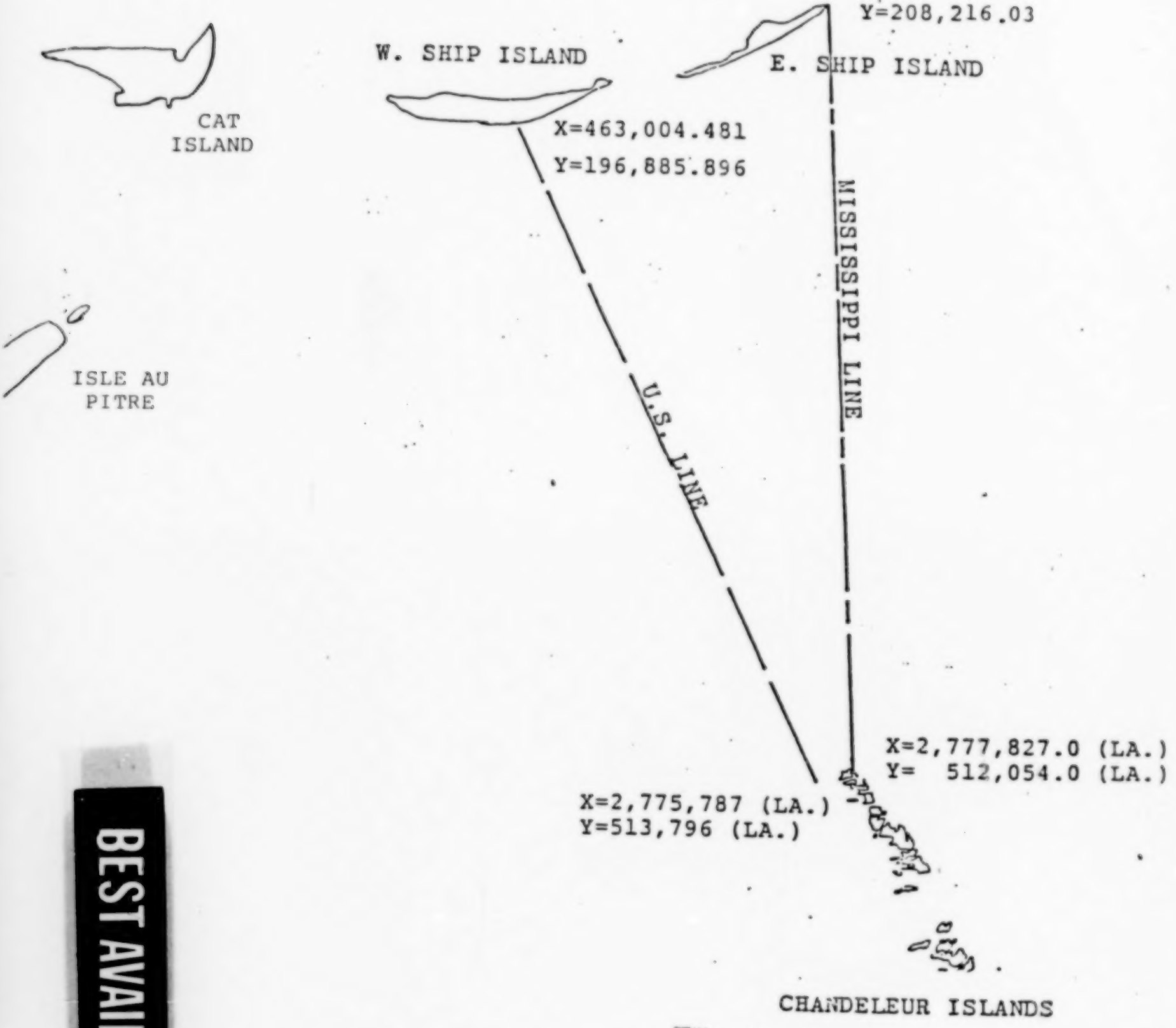

FIGURE 2. CLOSING LINE BETWEEN SHIP ISLAND AND CHANDELEUR ISLANDS

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EXHIBIT "A"

Proposed Supplemental Decree of the United States

SUPREME COURT OF THE UNITED STATES

No. 9, Original

UNITED STATES, PLAINTIFF

v.

STATES OF LOUISIANA, ET AL.
(ALABAMA AND MISSISSIPPI BOUNDARY CASE)

ON EXCEPTIONS TO THE REPORT OF THE SPECIAL MASTER

SUPPLEMENTAL DECREE

The Court having, by its decision of February 26, 1985, overruled the exception of the United States to the Report of its Special Master herein insofar as it challenged the Master's determination that the whole of Mississippi Sound constitutes historic inland waters, and having, to this extent, adopted the Master's recommendations and confirmed his Report:

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. For the purposes of the Court's Decree herein dated December 12, 1960, 364 U.S. 502 (defining the boundary line between the submerged lands of the United States and the submerged lands of the States bordering the Gulf of Mexico), the coastline of the States of Alabama and Mississippi shall be determined on the basis that the whole of Mississippi Sound constitutes state inland waters;

2. For the purposes of the said Decree of December 12, 1960, the coastline of Alabama includes a straight line from a point on the western tip of Dauphin Island where X = 238690 and Y = 84050 in the Alabama plane coordinate system, west zone, and X = 659783.79 and Y = 204674.56 in the Mississippi plane coordinate system, east zone, to a point on the eastern tip of Petit Bois Island where X = 215985 and Y = 77920 in the Alabama plane coordinate system, west zone, and X = 637152.89 and Y = 198279.25 in the Mississippi plane coordinate system, east zone, so far as said line lies on the Alabama side of the Alabama-Mississippi boundary.

3. For the purposes of the said Decree of December 12, 1960, the coastline of Mississippi includes the following:

(a) That portion of the straight line described in paragraph 2, above, lying on the Mississippi side of Alabama-Mississippi boundary;

(b) The baseline delimiting Petit Bois Island determined by the following points in the Mississippi plane coordinate system, east zone:

	E. COORD X	N. COORD Y
A POINT AT	636103.06	197409.43
A POINT AT	635730.88	197167.57
A POINT AT	635197.10	196848.81
A POINT AT	634824.92	196606.95
A POINT AT	634494.81	196403.07
A LINE FROM	634116.89	196223.65
THROUGH	633487.70	195977.80
THROUGH	632600.10	195607.60
THROUGH	631541.99	195143.47
THROUGH	630508.20	194904.30

	E. COORD X	N. COORD Y
THROUGH	629479.90	194591.90
THROUGH	628525.00	194321.70
THROUGH	628401.73	194306.69
THROUGH	628036.92	194289.93
THROUGH	627476.60	194182.00
THROUGH	626488.60	193948.10
THROUGH	625932.59	193802.79
THROUGH	625516.00	193766.90
THROUGH	623861.36	193478.53
THROUGH	622820.50	193454.10
THROUGH	621823.80	193356.00
THROUGH	620825.20	193257.90
THROUGH	619847.89	193131.55
THROUGH	618538.77	193268.72
THROUGH	617735.69	193531.82
THROUGH	616497.05	194054.83
THROUGH	615577.50	194348.40
THROUGH	614799.01	194527.45
THROUGH	613600.50	194763.40
THROUGH	612681.90	194895.50
THROUGH	611818.33	195012.55
THROUGH	611021.34	195183.22
THROUGH	610184.77	195530.92
THROUGH	609391.80	195685.30
THROUGH	608419.90	195927.80
THROUGH	607720.29	196127.06
THROUGH	607475.00	196239.30
THROUGH	606247.30	196809.81
THROUGH	605675.10	197160.10
THROUGH	604270.15	197849.15
THROUGH	603527.87	198470.45
TO	603006.58	199221.84;

(c) A straight line from a point on the western tip of Petit Bois Island where X = 602984.74 and Y = 199379.08 in the Mississippi plane coordinate system, east zone, to a point on the eastern tip of Horn Island where X = 586698.88 and Y = 203743.22 in the same coordinate system;

(d) The baseline delimiting Horn Island determined by the following points in the Mississippi plane coordinate system, each zone:

	E. COORD X	N. COORD Y
A POINT AT	586085.00	203413.20
A POINT AT	585408.00	202870.40
A LINE FROM	584539.17	202442.95
THROUGH	583521.30	202226.50
THROUGH	582523.70	201911.10
THROUGH	581217.11	201559.05
THROUGH	580172.00	201476.80
THROUGH	578707.40	201327.16
THROUGH	577716.60	201360.70
THROUGH	576762.47	201326.88
THROUGH	575057.04	201581.88
THROUGH	573405.12	201965.02
THROUGH	571199.22	202261.66
THROUGH	570919.81	202425.88
THROUGH	568628.38	202769.01
THROUGH	566917.90	203142.60
THROUGH	564973.10	203501.30
THROUGH	563121.32	203819.44
THROUGH	560958.00	204028.60
THROUGH	558940.70	204238.50
THROUGH	557048.68	204283.26

THROUGH	554930.20	204403.10
TO	553435.61	204348.41
A LINE FROM	551970.97	204538.74
THROUGH	551379.95	204841.79
THROUGH	550663.93	205145.88
THROUGH	549562.53	205270.46
THROUGH	547945.52	205663.99
THROUGH	546875.90	206276.41
THROUGH	545696.10	206670.80
THROUGH	544396.00	207134.79
THROUGH	542861.16	207556.77
THROUGH	540851.48	208393.15
THROUGH	539596.30	208786.30
TO	538818.50	209086.77
A LINE FROM	536831.40	209354.10
THROUGH	535469.11	209055.01
THROUGH	533599.69	208590.63
THROUGH	532440.54	208312.06
THROUGH	530361.80	207949.10
THROUGH	528785.77	207676.76
THROUGH	527430.00	207570.30
THROUGH	526475.92	207467.20
THROUGH	525672.63	207540.27
THROUGH	522928.20	208196.10
THROUGH	521336.78	208496.86
THROUGH	520062.60	208576.80
THROUGH	519137.96	208626.07
TO	518074.58	209136.06;

(e) A straight line from a point on the western tip of Horn Island where X = 517785.04 and Y = 209525.13 in the same coordinate system to a point on the eastern tip of the most easterly segment of Ship Island where X = 486293.70 and Y = 208216.03 in the same coordinate system;

(f) The baseline delimiting the most easterly segment of Ship Island determined by the following points in the Mississippi plane coordinate system, east zone:

	E. COORD X	N. COORD Y
A LINE FROM	485802.92	207647.85
THROUGH	484179.80	206426.60
THROUGH	482568.66	205272.72
THROUGH	480844.60	204246.60
THROUGH	479440.58	203436.29
THROUGH	478229.70	202788.30
THROUGH	476458.71	201921.54
THROUGH	475542.00	201634.30
TO	475218.46	201529.55;

(g) A straight line from a point on the western tip of the easterly segment of Ship Island where X = 474673.81 and Y = 201505.68 in the same coordinate system to a point on the eastern end of the westerly segment of Ship Island where X = 469644.55 and Y = 200646.86 in the same coordinate system;

(h) The baseline delimiting the most westerly segment of Ship Island determined by the following points in the Mississippi plane coordinate system, east zone:

	E. COORD X	N. COORD Y
A LINE FROM	468942.08	200226.18
THROUGH	468023.27	199707.98
THROUGH	466932.10	198967.80
THROUGH	465591.05	198219.69
THROUGH	464163.11	197420.58
TO	463004.481	196885.896;

(i) A straight line from a point on the southern shore of the most westerly segment of Ship Island where X = 463004.481 and Y = 196885.896 in the Mississippi plane coordinate system, east zone, and X = 2752646.58 and Y = 568331.88 in the Louisiana plane coordinate system, south zone, to a point on the northern tip of the most northerly of the Chandeleur Islands where X = 2775787 and Y = 513796 in the Louisiana plane coordinate system, south zone, so far as said line lies on the Mississippi side of the Mississippi-Louisiana boundary.

4. For the purpose of the said Decree of December 12, 1960, the coastline of Louisiana includes a straight line from a point on the southern shore of the most westerly segment of Ship Island where X = 2752565 and Y = 568525 on the Louisiana plane coordinate system, south zone, to a point on the northern tip of the most northerly of the Chandeleur Islands where X = 2775787 and Y = 513796 in the same coordinate system, so far as said line lies on the Louisiana side of the Mississippi-Louisiana boundary.

5. The parties shall bear their own costs of these proceedings; the actual expenses of the Special Master herein and the compensation due him shall be borne half by the United States and half by Alabama and Mississippi as they shall agree;

6. After his final accounting has been approved and any balance due him has been paid, the Special Master shall be deemed discharged with the thanks of the Court.

7. The Court retains jurisdiction to entertain such further proceedings, enter such orders, and issue such writs as from time to time may be deemed necessary or advisable to effectuate and supplement the decree and the rights of the respective parties.

EXHIBIT "B"

Proposed Supplemental Decree of the State of Mississippi

SUPREME COURT OF THE UNITED STATES

No. 9 Original

UNITED STATES, PLAINTIFF

v.

STATES OF LOUISIANA, ET AL.
(ALABAMA AND MISSISSIPPI BOUNDARY CASE)

ON EXCEPTIONS TO THE REPORT OF THE SPECIAL MASTER

SUPPLEMENTAL DECREE

The Court having by its decision of February 26, 1985, overruled the exception of the United States to the Report of its Special Master herein insofar as it challenged the Master's recommendations and confirmed his Report:

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. For the purposes of the Court's Decree herein dated December 12, 1960, 364 U.S. 502 (defining the boundary line between the submerged lands of the United States and the submerged lands of States bordering the Gulf of Mexico), the coastline of the States of Alabama and Mississippi shall be determined on the basis that the whole of Mississippi Sound, Mobile Bay, Chandeleur Sound and Lake Borgne constitute state inland waters;

2. For the purposes of the said Decree of December 12, 1960, the coastline of Alabama includes a straight line

from a point on the western tip of Dauphin Island where X = 238.690 and Y = 84,050 on the Alabama Plane Coordinate System, West Zone, and X = 659,783.79 and Y = 204,674.56 on the Mississippi Plane Coordinate System, East Zone, to a point on the eastern tip of Petit Bois Island where X = 215,985.00 and Y = 77,920.00 on the Alabama Plane Coordinate System, West Zone, and X = 637,152.89 and Y = 198,279.25 on the Mississippi Plane Coordinate System, East Zone, so far as said line lies on the Alabama side of the Alabama-Mississippi boundary.

3. For the purposes of said Decree of December 12, 1960, the coastline of Mississippi includes the following:

(a) That portion of the line described in paragraph 2, above, lying on the Mississippi side of Alabama-Mississippi boundary; and

(b) A series of straight lines through and connecting the following points on the Mississippi State Plane Coordinate System, East Zone delimiting Petit Bois Island:

	E. COORD X	N. COORD Y
A LINE FROM	637,152.89	198,279.25
THROUGH	636,103,06	197,409.43
THROUGH	635,730.88	197,167.57
THROUGH	635,197.10	196,848.81
THROUGH	634,824.92	196,606.95
THROUGH	634,494.81	196,403.07
THROUGH	634,116.89	196,223.65
THROUGH	633,487.70	195,977.80
THROUGH	632,600.10	195,607.60
THROUGH	631,541.99	195,143.47
THROUGH	630,508.20	194,904.30
THROUGH	620,479.90	194,591.90

	E. COORD X	N. COORD Y
THROUGH	628,525.00	194,321.70
THROUGH	628,401.73	194,306.69
THROUGH	628,036.92	194,289.93
THROUGH	627,476.60	194,182.00
THROUGH	626,488.60	193,948.10
THROUGH	625,932.59	193,802.79
THROUGH	625,516.00	193,766.90
THROUGH	623,861.36	193,478.53
THROUGH	622,820.50	193,454.10
THROUGH	621,823.80	193,356.00
THROUGH	620,825.20	193,257.90
THROUGH	619,847.89	193,131.55
THROUGH	618,538.77	193,268.72
THROUGH	617,735.69	193,531.82
THROUGH	616,497.05	194,054.83
THROUGH	615,577.50	194,348.40
THROUGH	614,799.01	194,527.45
THROUGH	613,600.50	194,763.40
THROUGH	612,681.90	194,895.50
THROUGH	611,818.33	195,012.55
THROUGH	611,021.34	195,183.22
THROUGH	610,184.77	195,530.92
THROUGH	609,391.80	195,685.30
THROUGH	608,419.90	195,927.80
THROUGH	607,720.29	196,127.06
THROUGH	607,475.00	196,239.30
THROUGH	606,247.30	196,809.81
THROUGH	605,675.10	197,160.10
THROUGH	604,270.15	197,849.15
THROUGH	603,527.87	198,470.45
THROUGH	603,006.58	199,221.84
TO	602,984.74	199,379.08

(c) A straight line from a point on the western tip of Petit Bois Island where X = 602,984.74 and Y = 199,379.08 in the Mississippi plane coordinate system, east zone, to a point on the eastern part of Horn Island where X = 584,539.17 and Y = 202,442.95 in the same coordinate system;

(d) A series of straight lines through and connecting the following points in the Mississippi plane coordinate system, east zone delimiting the coastline of Horn Island:

	E. COORD X	N. COORD Y
A LINE FROM	584,539.17	202,442.95
THROUGH	583,521.30	202,226.50
THROUGH	582,523.70	201,911.10
THROUGH	581,217.11	201,559.05
THROUGH	580,172.00	201,476.80
THROUGH	578,707.40	201,327.16
THROUGH	577,716.60	201,360.70
THROUGH	576,762.47	201,326.88
THROUGH	575,057.04	201,581.88
THROUGH	573,405.12	201,965.02
THROUGH	571,199.22	202,261.66
THROUGH	570,919.81	202,425.88
THROUGH	568,628.38	202,769.01
THROUGH	566,917.90	203,142.60
THROUGH	564,973.10	203,501.30
THROUGH	563,121.32	203,819.44
THROUGH	560,958.00	204,028.60
THROUGH	558,940.70	204,238.50
THROUGH	557,048.68	204,283.26
THROUGH	554,930.20	204,403.10

	E. COORD X	N. COORD Y
THROUGH	553,435.61	204,348.41
THROUGH	551,970.97	204,538.74
THROUGH	551,379.95	204,841.79
THROUGH	550,663.93	205,145.88
THROUGH	549,562.53	205,270.46
THROUGH	547,945.52	205,663.99
THROUGH	546,875.90	206,276.41
THROUGH	545,696.10	206,670.80
THROUGH	544,396.00	207,134.79
THROUGH	542,861.16	207,556.77
THROUGH	540,851.48	208,393.15
THROUGH	539,596.30	208,786.30
THROUGH	538,818.50	209,086.77
THROUGH	536,831.40	209,354.10
THROUGH	535,469.11	209,055.01
THROUGH	533,599.69	208,590.63
THROUGH	532,440.54	208,312.06
THROUGH	530,361.80	207,949.10
THROUGH	528,785.77	207,676.76
THROUGH	527,430.00	207,570.30
THROUGH	526,475.92	207,467.20
THROUGH	525,672.63	207,540.27
THROUGH	522,928.20	208,196.10
THROUGH	521,336.78	208,496.86
THROUGH	520,062.60	208,576.80
THROUGH	519,137.96	208,626.07
THROUGH	518,074.58	209,136.06
TO	517,785.04	209,525.13

(e) A straight line from a point on the western tip of Horn Island where X = 517,785.04 and Y = 209,525.13 on the same coordinate system to a point on the eastern tip of the most easterly segment of Ship Island where X = 486,293.70 and Y = 208,216.03 in the same coordinate system;

(f) A straight line from a point on the eastern tip of the most eastern segment of Ship Island where X = 486,293.70 and Y = 208,216.03 in the Mississippi plane coordinate system, east zone, to a point on the northern tip of the most northerly of the Chandeleur Islands where X = 486,952.00 Y = 140,070.00 in the Mississippi plane coordinate system, east zone and X = 2,777,827.00 and Y = 512,054.00 in the Louisiana plane coordinate system, south zone, so far as said line lies on the Mississippi side of the Mississippi-Louisiana boundary.

4. The parties shall bear their own costs of these proceedings; the actual expenses of the Special Master herein and the compensation due him shall be borne by the United States.

5. After his final accounting has been approved and any balance due him has been paid, the Special Master shall be deemed discharged with the thanks of the Court.

6. The Court retains jurisdiction to entertain such further proceedings, enter such orders, and issue such writs as from time to time may be deemed necessary or advisable to effectuate and supplement the decree and the rights of the respective parties.